



King County

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CHARTER REVIEW COMMISSION

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King County Charter Review Commission
Governmental Structure Subcommittee
Meeting Minutes – December 10, 2007
KC Chinook Bldg., 5:00pm-8:00pm

The meeting of the King County Charter Review Commission, Governmental Structure Subcommittee was called to order at 5:05 p.m.

Commission members in attendance:

Lois North
Mike Lowry
Sarah Rindlaub
Trisha Bennett
Kirstin Haugen
Greg Hirakawa
Dan Gandara
Darcy Goodman

Absent:

Tara Jo Heinecke
John Jensen

Staff :

Mark Yango, Charter Review Coordinator
Corrie Watterson Bryant, Project Manager, Charter Review Commission
Charlotte Ohashi, Executive Office

Council and PAO Staff:

Ross Baker, Chief of Staff, King County Council
Mike Sinsky, Prosecuting Attorney's Office
Rebecha Cusack, Council Liaison to CRC, King County Council
Nick Wagner, Council Co-Liaison to CRC, King County Council
Joe Fain, Chief of Staff, Councilmember Pete von Reichbauer, District 7
Grace Reamer, Chief of Staff, Councilmember Kathy Lambert, District 3

1. Opening Remarks and Introductions

There was an attendance of 8 commissioners. A quorum was present and the minutes from October 15 subcommittee meeting were approved. A quorum was not present at the November 13 meeting. Minutes were approved. The minutes from November 13 were still being reviewed and not ready for approval.

2. Guest Speakers

Guest speakers, Richard Anderson-Connolly, Professor from the University of Puget Sound and Kelly Haughton of the Citizens for a Better Ballot were introduced and Mr. Anderson-Connolly began the presentation with a short video on Instant Runoff Voting (IRV) or as Pierce County has labeled it – “Ranked Choice Voting (RCV)”. This is a presentation that San Francisco has used to educate their voters on the RCV system and has been found to be very informative. San Francisco was one of the first cities to implement this system. He will leave a copy of the DVD.

The filling out of the ballot itself is not hard for the voters. That’s fairly straight forward and easy. Also, in gathering statistics pertaining to the education of voters on the system, the empirical evidence shows that overall voters do understand the system and may even prefer it over the old system. In the State of Washington, the voters have complained about the pick a party primaries and a survey shows that only about 21% of the voters like the pick a party primaries.

How it works: In RCV as implemented in Pierce County, the voter is allowed to vote for 3 candidates of their choice who are running for the same position, ranking those votes in the order of their choice from 1 – 3. (The three-candidate limitation is an artifact of Pierce County’s voting system; such a limitation is not inherent in RCV.) The ballots are counted until a candidate receives a majority of 50% of the votes to become the winner.

- Round 1: all 1st choice votes are counted. If no candidate garners 50% of the votes in the first round, the candidate with the lowest amount of first-place votes is eliminated and that candidate’s ballots are redistributed in the 2nd round of counting to the candidates who are listed second on those ballots.
- This process is repeated until one candidate has a majority.
- RCV makes a separate primary unnecessary. In effect, RCV operates as a primary within the general election, with the candidates winning the fewest first-place votes being eliminated one after the other until there are only two candidates remaining, one of whom will have a majority. Since more voters tend to turn out for general elections than for primary elections, RCV has the advantage that a larger number of voters participate in the entire election process. This system works well with both non-partisan and partisan elections.
- The system encourages a more equitable treatment of independent third party candidates by encouraging voters to vote more honestly for their choices, since votes for losing third party candidates are redistributed among the remaining candidates instead of being “wasted.”

- Can reduce the potential for mud slinging, personal attack campaigns because each candidate will want to be listed as the second choice of voters whose first choice is an opposing candidate and therefore will not want to alienate those voters by attacking their first choice.

Although this system would make it unnecessary to hold a primary election for positions to which it applied, primaries must still be held for state and federal office positions, but there could be some cost savings in elections that are held in the odd years.

Why Now?:

- King County (“KC”) is going through their charter review right now and most changes in the voting systems have come from the charter review process rather than from incumbents who were elected by the current system and are probably resistant to changing that system.
- Waiting to see if the system works very favorably in Pierce County and it’s greatly accepted by the voters, KC would may have to wait another 9 – 10 years for the next Charter Review session to implement the system.
- KC shouldn’t wait for Pierce County as there are other jurisdictions, i.e. San Francisco, South Carolina, Burlington, that have implemented the system that commission can research and KC already has the Diebold equipment and hardware in place. KC could implement the system by 2011 rather than 2019.

Q & A:

- Point made that recommendations from the charter review commission go to the council for ballot approval rather than straight to the ballot, so passing a change in the KC voting system may be a challenge. However, with the ruling of the Supreme Court, citizens of KC can now make changes through a citizen’s initiative process that would go straight to the ballot bypassing council approval.
- If KC were to implement RCV, it would affect only county level officials. WA State is more restrictive in its election process for cities, ports, and other local district entities; the system for filling those offices must be changed at the state level. However, there was a bill before the WA State legislature that would allow local entities to adopt this system but the bill is only in discussion.
- With stable government structures, the RCV system would not create multiple government entities like Italy. Compare it more to Ireland and Australia who have stable governments with 2 strong major party systems that still get a large number of citizens voting.
- More candidate information would be available to voters through RCV because statistics show that there is more voter concentration and interest in the general elections rather than in the primaries. The system also allows for more candidate choices in the general elections rather than the whittled down candidate ballot from the primaries.

- Pierce County's initiative was worded so it allows the county level party committees to have control over their party labels. The power stays with the major parties and they decide who gets to be called a Dem or Rep. They have the choice of running several candidates, holding internal caucuses but the associational rights are taken seriously.
- Candidates on the ballot do not have to equal, i.e. 3 Dems and 3 Reps. as the outcome would depend more on the percentage split in a voting district. But, the incentive for both parties may be to run as many candidates they can engage to possibly win a position. Campaign strategies will change.

Mark presented the research done on IRV/RCV and briefly explained some of the analysis. Some of the pro's and con's of RCV/IRV are:

- Pro's:
 - System is simple and easy for voters
 - Encourages sincere voting
 - Reduces the need for tactical voting
 - Allows one election to find the majority winner
 - Not need for a primary
 - Reduces negative campaigning
 - Helps the third parties gain traction by allowing voters to vote for third-party candidates without "wasting" their votes.
- Con's:
 - System does not count all the votes and thus can pass over a candidate preferred by the majority
 - more expensive to implement over other systems
 - has not been shown to reduce negative campaigning
 - takes more effort for voters compared to other systems
 - will result in more spoiled ballots
 - doesn't give voters a second chance to re-evaluate candidates if there was an actual runoff.

Discussion:

- Would be interested to hear a little more from KC elections or the executive as to what would it really take to implement the system. As pointed out KC has the Diebold system but what would be the bottom line cost to KC to implement.
- Because of the general public feeling and voter confidence in the current KC elections system, it would be very critical that any kind of changes recommended be very carefully considered. Would like to understand what kind of glitches may have shown up, if any.
- Because the elections department is so impacted at this time with other issues they are dealing with, perhaps this may not be the best time to add this to their list. This may not be the right timing all the way around and perhaps should wait until the people are confident with the current election system before recommending another change.

- Although the county runs elections in the odd years there are still other elections that happen in the odd years too, so don't quite understand where the savings in cost would come by eliminating one subset of elections in the primaries. Running elections does not seem to be a big issue, as by law, elections in WA can be run at least 6 times a year if funded.

MOTION: Moved that the committee recommend to the full commission that it take no action on the issue of RCV/IRV.

Motion passed 7 to 1.

Action: At the suggestion of a subcommittee member, the subcommittee agreed by consensus to direct staff to draft a letter for the full commission to send to the Council, suggesting that RCV/IRV not be taken up as an issue at this time but it warrants further study and research.

Partisanship/Non-partisan:

- Discussion of letter from Councilmember von Reichbauer which supports nonpartisan elections and indicates that he is working on putting together an initiative. Ross Baker states that it is his impression that 8 of the Councilmembers are not supportive of the proposition put forth but if there are questions, Councilmember von Reichbauer's Chief of Staff, Joe Fain, was present to answer any questions the committee may have.
- Since any recommendations from the commission need to go to the council for ballot approval and if a recommendation was supportive of nonpartisan elections, in all likelihood the council would probably not approve it anyway, perhaps this is not an issue worth pursuing at this time. It would probably be a waste of the council's time and the commission's time.
- Partisanship in legislative bodies provides information to voters of where people are on different issues. If you look at legislative issues, opinions do follow major party lines which can be informative to the voters.
- There are strong feelings on the committee that the positions should be non-partisan as it seems to be the will of the people. A non-partisan council would mean that committee chairs would be picked according to expertise rather than majority party affiliation. Most legislative issues are not partisan issues. Ross Baker points out that the present council, because of perhaps its reduction in numbers, has found it necessary to operate by sharing the work load on major issues and encourages collaboration, no matter their party affiliation.

Action: Recommendation to the full commission that the subcommittee will not pursue the non partisanship issue because it's a futile effort and if it wasn't thought of as futile, the subcommittee would seek a serious debate on the subject.

Action was seconded.

VOTE:

Approve: 7

Oppose: 1

Elected/Appointed – Qualifications:

Need to clarify the action taken from the last meeting on the positions of the Elections Director, Assessor and Sheriff. Mike Lowry pointed out that the intent of the action taken at the last meeting was to keep the status quo for all three positions – an elected Assessor & Sheriff and an appointed Elections Director. To clarify, it was suggested to restate a motion for each position.

Since the issue of an appointed or elected Elections Director is going to the voters, further discussion on the topic seems to be futile but the subcommittee needs to take action. A motion was put forward even though the voters will be making the decision.

MOTION: Move to support the continuation of an appointed Elections Director.

Action was seconded VOTE: Approve: 5 Oppose: 3

Decision: The subcommittee will let the Motion of supporting the status quo on an elected Assessor and Sheriff stand as passed in the last meeting.

Action: The decisions will go to the full commission as the subcommittee's recommendations.

Qualifications of elected/appointed positions:

The subcommittee considered draft language amending the Charter to allow the Council to establish qualifications for the Director of Elections. At the subcommittee's request, proposed language was drafted by Mike Sinsky. Prior to considering the two options presented, the subcommittee discussed whether qualification authority should include the Assessor's position in addition to the Director of Elections. With regards to the 2 options presented:

Option 1 would reference qualifications for an elected elections director in one Charter section and qualifications for an appointed elections director in another. While this approach is somewhat clearer because it uses actual titles of the respective positions, one of the provisions will become obsolete following the vote outcome, and that obsolete language will become legal clutter.

Option 2 uses the more general reference "chief elected or appointed elections officer", with the option to establish qualifications by ordinance for either. Although Option 2 may be more succinct, it is somewhat less clear insofar as it refers to a "chief elections officer", a label that differs from the actual elected or appointed position title.

Mike Sinsky indicated that both options would accomplish what the commission intends, and that the choice simply depends on which the committee would prefer.

The main reason for the proposed amendment is to give the council the opportunity to set qualifications if they so choose. Some discussion ensued. They clarified that the section pertains to the 3 offices – Sheriff (which is already there), Office of the Assessor and Manager of Elections/Elections Director.

MOTION: moved to recommend the approval of **Option 1** to the full commission.

Action was seconded: VOTE: Approved: 8 Opposed: 0

Strengthening the Charter Review Commission

Ms. Watterson gave a presentation on assessing the CR process and outlined 4 options that can be offered for review. The briefing is in response to comments received from organizations like the League of Women's Voters, Suburban Cities Association, the Executive, etc. who recommend that the charter review process be changed so that the recommendation of this and future charter review commissions go straight to the ballot. Right now there are 2 ways to make changes to the charter – commission recommendations go to council for approval to go to ballot and citizen's initiative. All other home rule charter counties elect their commissioners and their recommendations go straight to ballot.

There are possible 4 options to consider in making changes to the charter:

1. The status quo – Appointed commission whose recommendations are ballot approved by the council
2. An appointed commission whose recommendations go directly to ballot
3. An elected commission whose recommendations go directly to ballot
4. An elected commission whose recommendations are ballot approved by the council

The state constitution provides that a charter "may be amended by proposals therefore submitted by the legislative authority of said county to the electors thereof...." Some questions and clarification whether an elected or appointed charter review commission would be considered a "legislative authority" for purposes of this section. At present all other home rule chartered counties (5) in the State of WA have elected commissioners, with 2 counties whose recommendations go straight to the ballot and 3 counties recommendations are passed through their councils as probably a proforma rather than ordinance and then to ballot.

Given the broad interpretation of "legislative authority" applied in recent court decisions, it is likely that the submittal of measures to the voters by an elected commission would be deemed lawful by the courts. While more difficult to defend, reasonable argument could also be made that a county charter may lawfully authorize an appointed commission to place charter amendments directly before the voters suggested that the subcommittee consider options 2 & 3 and it was asked how defensible either option would be legally. Also could set a criteria that commissioners – elected or appointed --should be qualified King County voters.

MOTION: Moved that the subcommittee recommend to the full commission that the charter be changed to reflect an appointed commission whose recommendations go straight to ballot.

Action was seconded.

Amendment 1: Add that the appointments will be equal representation from all districts in King County

Amendment 2: Add that commissioners be qualified King County voters.

Discussion on elected commission ensued. Campaign funding may become an issue as would political posturing or domination.

Mr. Yango reported that at the Committee of the Whole that morning the council had given the task to Councilmember Phillips to write the commission a letter explaining their opposition to commission recommendations going straight to ballot and should be expecting it by Dec. 18.

Decision: all were in agreement that in light of the new information from council it was recommended that the motion was tabled to the next meeting so that information from the council can be reviewed.

Meeting adjourned: 7:56 pm

Respectfully submitted by: Charlotte Ohashi